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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JORGE ABEL

14 CASTELLANOS-GUTIERREZ (3),
15 RODRIGO ORTIZ-CERVANTES (4),
16 JOSE ANGEL SAMANIEGO, JR. (5),
17 EDGAR OMAR JIMENEZ-DOMINUEZ (6),
18 EDGAR OMAR CERDA (8),
19 JOSE TITANO AQUININGOC (9),
20 JOANNA VANESA ANGULO (10),
21 ISRAEL BARRETO (11),
22 EFRAIN ALBERTO ZAVALA (12),
23 IVAN MACIAS-GONZALEZ (13),
24 CHRISTIAN ARZOLA (15),
25 JORGE MARTINEZ-HERRERA (16),
26 VIRGINIA GAMEZ (17),
27 JOSE ALFREDO
28 PINTOR-COVARRUBIAS (18),
ALAN JOWANNY PINA (19),

Defendants.

CASE NO. 12CR2414 WQH

ORDER

23 HAYES, Judge:

24 In the matter before the Court, the Defendant Rodrigo Ortiz-Cervantes moves the Court
25 to declare this case complex and exclude time pursuant to Speedy Trial Act, 18 U.S.C. § 3161,
26 *et seq.* (Doc. #112). All Defendants and the Government agree that the case is appropriate to
27 declare complex. The Government and the Defendants rely upon the voluminous discovery
28 materials including reports, documents, wiretapped phone calls, search warrant materials,

1 recorded conversations, video surveillance, photographs, and pen registers intercepts.

2 Section 3161(h)(7)(A) provides that the Court may exclude any period of delay
3 resulting from a continuance “if the judge granted the continuance on the basis of his findings
4 that the ends of justice served by taking such action outweigh the best interest of the public and
5 the defendant in a speedy trial.” Factors which a judge shall consider in determining whether
6 to grant a continuance under subparagraph (B) include “[w]hether the case is so unusual or so
7 complex, due to the number of defendants, the nature of the prosecution, or the existence of
8 novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial
9 proceedings or for the trial itself within the time limits established...” Section
10 3161(h)(7)(B)(ii). “[N]o continuance period may be excluded unless the court makes
11 reasonably explicit findings that demonstrate that the ends of justice served by granting the
12 continuance do, in fact, outweigh the best interests of the public and the defendant in a speedy
13 trial.” *United States v. Perez-Reveles*, 715 F.2d 1348, 1352 (9th Cir. 1983).

14 Based upon the large volume of discovery, the Court concludes that it would be
15 unreasonable to expect defense counsel to be able to adequately prepare for pretrial
16 proceedings or for the trial itself within the time limits established under Section 3161, et seq.,
17 taking into account the exercise of due diligence. The Court concludes that the ends of justice
18 served by a continuance outweigh the best interest of the public and the Defendants in a speedy
19 trial. Based upon the finding of complexity, the court will exclude the period of time between
20 July 24, 2012 and October 18, 2012 in order to allow defense counsel an opportunity to review
21 and organize the large volume of discovery, to conduct the required investigation, and to
22 effectively prepare pretrial motions.


23 IT IS HEREBY ORDERED that the motion to declare this case complex and exclude
24 time pursuant to Speedy Trial Act filed by Defendants (Doc. # 112) is granted.

25 IT IS FURTHER ORDERED that the Motion for Joinder filed by Defendant Jose Angel
26 Samaniego (ECF No. 126) is granted.

27 IT IS FURTHER ORDERED that a period of excludable delay from July 24, 2012 and
28 October 18, 2012 is allowed pursuant to Section 3161(h)(7), in addition to any time

1 excludable pursuant to Section 3161(h)(1)(D). A further hearing has been scheduled in this
2 matter for October 18, 2012 at 1:30 p.m.

3 DATED: August 9, 2012

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5 **WILLIAM Q. HAYES**
6 United States District Judge
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